

DOCKET NO. 2631.1002-001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Groups of *Borrelia Burgdorferi* and *Borrelia Afzelii* that Cause Lyme Disease in Humans

the specification of which (check one)

☐ is attached hereto.☒ was filed on June 19, 2000 as United States ApplicationNumber or PCT International Application No. 09/596,746

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/140,042  
(Application Number)June 18, 1999  
(Filing Date)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the attorneys and/or agents associated with  
**Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799**  
**Customer No. 21005,**

and \_\_\_\_\_,  
to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

☒ Customer No. **21005**  
**HAMILTON, BROOK, SMITH & REYNOLDS, P.C.**  
**Two Militia Drive**  
**Lexington, MA 02421-4799**

or

☐ Address as follows:

Direct telephone calls to: Richard W. Wagner, Esq. Telephone No.: 781-861-6240  
Direct facsimiles to: Richard W. Wagner, Esq. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Raymond J. Dattwyler

Inventor's Signature

Residence

18 Woodhull Road  
Setauket, New York 11733

Citizenship

USA

Post Office Address

same as above

Date 10/30/00

Full name of second joint

inventor, if any Gerald Seinost Date \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Residence Kreuzgasse 20/3/18

A-8010 Graz, Austria

Citizenship \_\_\_\_\_

Post Office Address same as above

Full name of third joint

inventor, if any Daniel Dykhuizen Date 11/7/00

Inventor's Signature Daniel Dykhuizen

Residence 20 Thompson Hill Road

St. James, New York 11780

Citizenship USA

Post Office Address same as above

Full name of fourth joint

inventor, if any Benjamin J. Luft Date 10/30/00

Inventor's Signature B. J. Luft

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Setauket, New York 11733

Citizenship USA

Post Office Address same as above

Full name of fifth joint

inventor, if any Maria J. C. Gomes- Solecki Date 10/30/00

Inventor's Signature Maria J.C. Gomes-Solecki

Residence 500 East 63<sup>rd</sup> Street, Apt. 24A

New York, NY 10021

Citizenship PORTUGAL

Post Office Address same as above

Full name of second joint

inventor, if any Gerald Seimost

Date 19.10.2000

Inventor's Signature [Signature]

Residence Kreuzgasse 20/3/18

A-8010 Graz, Austria

Citizenship AUSTRIA

Post Office Address same as above

Full name of third joint

inventor, if any Daniel Dykhuizen

Date \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Residence 20 Thompson Hill Road

St. James, New York 11780

Citizenship USA

Post Office Address same as above

Full name of fourth joint

inventor, if any Benjamin J. Luft

Date \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Residence 2 Schooner's Cove

Setauket, New York 11733

Citizenship USA

Post Office Address same as above

Full name of fifth joint

inventor, if any Maria J. C. Gomes- Solecki

Date \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Residence 500 East 63<sup>rd</sup> Street, Apt. 24A

New York, NY 10021

Citizenship PORTUGAL

Post Office Address same as above

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN

DOCKET NUMBER: 2631.1002-001

Applicant or Patentee: Raymond J. Dattwyler, Gerald Seinost, Daniel Dykhuizen, Benjamin J. Luft, and Maria J. C. Gomes-SoleckiApplication or Patent No.: 09/596,746Filed or Issued: June 19, 2000Title: Groups of *Borrelia burgdorferi* and *Borrelia afzelii* that Cause Lyme Disease in Humans

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Brook Biotechnologies, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN Long Island High Technology Incubator  
25 East Loop Road, Suite 126  
Stony Brook, New York 11790-3350

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below.

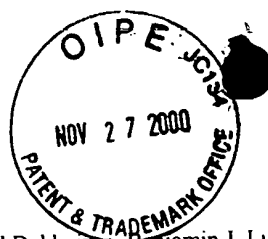
Research Foundation of the State University of New York  
N5002 Melville Library  
Stony Brook, New York 11794-3369

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Raymond J. DattwylerTITLE OF PERSON IF OTHER THAN OWNER Chief Executive OfficerADDRESS OF PERSON SIGNING Long Island High Technology Incubator, 25 East Loop Road, Suite 126, Stony Brook, New York 11790-3350SIGNATURE Raymond J. Dattwyler DATE Nov. 9, 2000

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(d))-NONPROFIT ORGANIZATION



DOCKET NUMBER: 2631.1002-001

Applicant or Patentee: Raymond J. Dattwyler, Gerald Seinost, Daniel Dykhuizen, Benjamin J. Luft and Maria J. C. Gomes-Solecki  
Serial or Patent No.: 09/596,746  
Filed or Issued: June 19, 2000  
Title: Groups of *Borrelia burgdorferi* and *Borrelia Afzelii* that Cause Lyme Disease in Humans

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Research Foundation of the State University of New York  
ADDRESS OF NONPROFIT ORGANIZATION N5002 Melville Library  
Stony Brook, New York 11794-3369

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF  
LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby declare the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

Brook Biotechnologies, Inc.  
25 East Loop Road, Suite 126  
Stony Brook, New York 11790-3350

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING John C. Petersen  
TITLE IN ORGANIZATION OF PERSON SIGNING Director, Office of Technology Licensing and Industry Relations  
ADDRESS OF PERSON SIGNING N5002 Melville Library, Stony Brook, New York 11794-3369  
SIGNATURE John C. Petersen DATE 10-6-00